CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

AUGUST 1, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Police Chief Macagni, Director of Community Development Lindsey, Fire Battalion Chief Jones, Director of Public Works/City Engineer Sweet, and Chief Deputy City Clerk Perez.

PROCLAMATION – NATIONAL NIGHT OUT
Councilmember Patino read a proclamation declaring Tuesday, August 1, 2006, as "National Night Out" in the City of Santa Maria, and urging all residents to join the Housing Authority of the County of Santa Barbara and the National Association of Town Watch in supporting the 23rd Annual National Night Out. The proclamation was accepted by Ted Zenich.

COMMENDATIONS
Mayor Lavagnino read Resolution No. 2006-127 recognizing and commending Carl Engel for over 10 years of service as a member of the Block Grants Advisory Committee.

Resolution No. 2006-127 was adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-127 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING CARL ENGEL FOR HIS OUTSTANDING SERVICE TO THE CITIZENS OF SANTA MARIA AS A MEMBER OF THE BLOCK GRANTS ADVISORY COMMITTEE.

Councilmember Mariscal read Resolution No. 2006-128 recognizing and commending Fred Pratt for over five years of service as a member of the Block Grants Advisory Committee.

Resolution No. 2006-128 was adopted on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-127 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING FRED PRATT FOR HIS OUTSTANDING SERVICE TO THE CITIZENS OF SANTA MARIA AS A MEMBER OF THE BLOCK GRANTS ADVISORY COMMITTEE.

Carl Engel and Fred Pratt were not present to accept the commendations.

WILDLAND FIRE UPDATE

Kevin Cooper, Forest Wildlife Biologist and Lead Resource Advisor on Fires for the California Department of Forestry, gave a brief presentation on the recent fires started by lightning strikes. The Bald Fire burned 2,022 acres. The Abel Fire burned four acres, and the Mormon Fire and Horse Fire each burned one acre. He thanked the City for allowing Preisker Park to be used as the incident command center and showed slides of the Bald Fire and the command center.

PUBLIC COMMENT

Mark Lopez, President of the Santa Maria Valley Pioneer Association, talked about Santa Maria Valley History Week beginning on September 17th with a breakfast. This celebration is a joint effort of the Pioneer Association and the Santa Maria Valley Historical Society. There will be a week-long display of historical memorabilia at the Town Center Mall. The celebration will end on Sunday, September 24th with a community picnic and barbeque at Pioneer Park at which time the time capsule of the Pioneer Association will be buried in the park. He requested the City Council present a proclamation.

Donald Pack spoke about a problem with his next door neighbor who had about 100 pigeons. The pigeons were leaving droppings in his yard, on his patio, on his house and his car. Code Compliance Officers had talked to the gentleman, but it was his hobby. He asked if there were any ordinance or restrictions on how many birds a person could have.

Mayor Lavagnino requested a meeting be scheduled with Mr. Pack to discuss the matter.

Salvador Gascon spoke about the recent water report that was mailed out to residents and the levels of fluoride in the water both from the runoff of fertilizers from the fields and the fluoridation that was being added to the water. He asked if this was being adequately monitored to ensure the health of the residents.

Director of Public Works/City Engineer Sweet offered to take Mr. Gascon on a tour of the fluoridation blending facility to see how it was being monitored.

Joan Leon spoke about the Downtown Specific Plan and the many opportunities the public had to provide input on the Plan. She also spoke about the lack of opportunity the public had to provide input into the hauling of contaminated soil from the Guadalupe Dunes to the Santa Maria Landfill.

CONSENT CALENDAR

Consent Calendar Items A through J were approved with the indicated action on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES

The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of July 18, 2006, were approved as submitted.

C. GRAND JURY REPORT
Council approved the City's response to the Santa Barbara County Grand Jury Report entitled "Flood Control and Water Conservation District – Prepared for Winter Storms?" and instructed the Director of Public Works/City Engineer to sign and transmit the Council's response to the Presiding Judge of the Superior Court and the Grand Jury.

D. ANIMAL CONTROL CONTRACT
Resolution No. 2006-129 was adopted approving a two-year agreement with the County of Santa Barbara for animal control services.

Resolution No. 2006-129 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE COUNTY OF SANTA BARBARA FOR ANIMAL CONTROL SERVICES.

E. WARRANTS
Warrant Nos. 128683 to 128925 in the amount of $4,819,835.72 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ENTERTAINMENT LICENSE
Council approved an Entertainment License for Centro Botanero Los 3 Amigos located at 1127 W. Main Street to allow televised sporting events Sunday through Saturday, 10:00 a.m. until 2:00 a.m. and disc jockey music and dancing on Saturday from 9:00 p.m. until 1:00 a.m.

H. LIABILITY CLAIMS
Resolution No. 2006-130 was adopted clarifying the authority of staff and Carl Warren & Company concerning liability claims and confirming the authority of the City Attorney to initiate litigation concerning collection cases, unlawful detainer actions (landlord-tenant), and other routine civil litigation matters.

Resolution No. 2006-130 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CLARIFYING AUTHORITY FOR THE SETTLEMENT OF .ITY CLAIMS AND THE INITIATION OF LITIGATION.

I. ALCOHOLIC BEVERAGE LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for a transfer of an Alcoholic Beverage License for CVS Pharmacy (previously Sav-On Drugs) at 1830 N. Broadway.

J. SUBDIVISION MAP AND AGREEMENT
Resolution No. 2006-131 was adopted approving a final subdivision map and agreement for LaVigna at Westgate, Tract 5865.

Resolution No. 2006-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR LAVIGNA AT WESTGATE, TRACT 5865.

CALE SUBDIVISION
Director of Community Development Lindsey indicated the request is for a Tentative Tract Map for Cale-West Street Subdivision located at 302-308 West Street. The subject property is approximately 0.76 of an acre in size. The proposed Tentative Tract

Map would allow the construction of a total of eight detached single-family dwelling units and one common lot. The project would result in the creation of eight lots ranging from 1,774.1 to 1,997.9 square feet. This item was continued from the July 18th meeting at the applicant's request.

Director of Community Development Lindsey indicated that the applicant was again requesting a continuance of this item for one month to the September 5th City Council meeting to try to resolve a property line dispute.

On motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

The tentative tract map for Cale Subdivision was continued to the September 5, 2006, City Council meeting.

HARVEST GLEN TOWNHOMES

Director of Community Development Lindsey gave the staff report. This is a request for a tentative tract map for Harvest Glen Townhomes, located south of Sonya Lane, east of Blosser Road, west of Biscayne (extended) and north of Carmen Lane (extended), Tract 5906. The project consists of a tentative map that would create 203 residential lots ranging in size from 846 square feet to 2,179 square feet, in an HDR-18 (High Density Residential) zoning district, on a 13.09 acres site. He gave a brief overview of the proposed project explaining that they were three-story, two and three bedroom units. The Planning Commission held a public hearing on July 6, 2006, and adopted Resolution No. 2427 recommending that the City Council approve the tentative map. The resolution was approved with Commissioners Brown, Moats, and Waterfield voting in favor, Commissioners Hunter and Everett absent.

Councilmember Mariscal asked if he was correct that these units were attached townhomes, not condominiums, with fee simple ownership of the individual units. The reason the lot sizes are so small is because the units will share common walls.

Director Lindsey stated that was correct. The units do look and feel like multi-family apartments or condominiums. The common property is substantial. If those areas were included in the lot size, the lots would be much larger.

Councilmember Mariscal stated there were some units that only had a single garage with a second parking space.

Director Lindsey explained that some units did only have a one-car garage with a separate carport close by for a second vehicle.

Mayor Lavagnino stated he had some concerns initially with the size of the lots. He didn't want to end up with parking problems. He asked if there would be on-street parking as well as the on-site parking, and what the width of the streets would be.

Director Lindsey replied there would be on-street parking, and the street widths were 36 feet.

Mayor Lavagnino opened the public hearing.

Laurie Tamura, Urban Planning Concepts, presented an overview of the project. She explained that the units would be three-story townhomes on fee simple lots of 846 square feet to 2,179 square feet. The price range for the units would be in the mid $300,000's. The garages would be under the units on the first floor. There would be 97 two-bedroom and 106 three-bedroom units in the neo-traditional style. She presented architectural renderings of the project.

Joan Leon stated the staff report said there had been oil wells on the property and asked if the testing had already been completed.

Laurie Tamura stated the entire 80 acres of the original property had seven well sites on it. The testing had been done, sumps removed and capping of the wells had been done. This project site had two well sites on it. There is the 10 foot radial setback from the capping of the well head. She said they had clearances from the Fire Department, County Hazardous Protection, and Department of Oil and Gas (DOG).

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2006-133 was adopted approving the tentative tract map on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR HARVEST GLEN TOWNHOMES, TRACT 5906, LOCATED SOUTH OF SONYA LANE, EAST OF BLOSSER ROAD, WEST OF BISCAYNE (EXTENDED) AND NORTH OF CARMEN LANE (EXTENDED).

2004 LOCAL LAW ENFORCEMENT BLOCK GRANT

Police Chief Macagni gave the staff report. This is a change in the allocation of 2004 Local Law Enforcement Block Grant program funds which were originally allocated to fund the purchase of a Computer Aided Dispatch (CAD) software upgrade, 911 wireless phase two compliance software, and a license for the Motorola Geofile Utility (MGU). During the course of the grant period, the current CAD vendor provided the Police Department with the CAD software upgrade at no cost and the 911 wireless phase two compliance software was obtained via an alternate source. Since the initial grant was awarded to the Police Department, it was determined that the purchase of the Motorola Geofile Utility would not be beneficial at this time. The Police Department is proposing the funds be reprogrammed for the purchase of moving radar systems, taser devices and an enhanced security camera system for the Communications Center and police facility.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2006-134 was adopted approving the reallocation of the 2004 grant funds on motion by Councilmember Trujillo, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM TECHNOLOGY PROJECT.

APPOINTMENTS TO ALL-AMERICA CITY COMMITTEE

Mayor Lavagnino stated there were currently two vacancies on the All-America City Committee due to the recent resignations of Michael Hayes and Bob Huber. One vacancy is for the business segment of the community, and the other is for the ethnic diversity segment. Two applications were received from Edward Quinonez and Bob Ziener. Both applicants appear to represent the business segment of the community.

Councilmember Trujillo and Councilmember Patino will be making nominations to replace their previous appointees.

Councilmember Trujillo nominated Edward Quinonez to replace Michael Hayes as the business representative on the Committee.

Councilmember Patino indicated that Mr. Ziener did not appear to represent the ethnic diversity segment of the community.

On motion by Councilmember Trujillo, seconded by Councilmember Mariscal, and carried unanimously, Edward Quinonez was appointed to fill the unexpired term of Michael Hayes, and staff was directed to readvertise for the ethnic diversity vacancy.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the next regular City Council meeting on August 15, 2006, including the year-end reports by the Chamber of Commerce and the 4th quarter financial report.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Orach reminded the Council that the City picnic would be held on September 23rd and they would be serving food again this year. He also reported on the Elks Club event at which they dispersed the money raised by the Queen's contest for youth recreation. This year the total was over $600,000.

Councilmember Patino reported that on July 22nd and 23rd she attended the Relay for Life. She said the proclamation she read that day said the Santa Maria Valley was 9th in donations in the State. That is a good example of how generous Santa Maria Valley is.

Councilmember Patino also reported on visiting the Fire Command Center at Preisker Park. Additionally, on July 19th, the old Sisters Hospital held a celebration of 66 years in the community. Also on July 19th, she attended the Elks Club disbursement of the money from the Queen's Contest. It was $678,239 that the Queen's contestants brought in.

Councilmember Mariscal reported on a Harley Davidson motorcycle ride with the American Legion Post to raise money for children of GI's. He also reported on attending the annual Mayor and City Council conference sponsored by the League of California Cities. Several things are happening in Sacramento such as the bond measures being proposed for infrastructure.

He also talked about the prestigious Helen Putnam Award from the League of California Cities. The City of Santa Maria won the 2006 Helen Putnam award, and is recognized in this month's Western Cities Magazine for its Non-Hazardous Impacted Soils Program.

Councilmember Mariscal reported on attending Patricio Flores' funeral and talked about Mr. Flores' service to the community during his life. He also talked about the upcoming FOP Dinner to be held on Sunday, August 6th.

CLOSED SESSION

Council recessed to Closed Session at 7:52 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria and Intellectual Capital partners, LTD v. City of Santa Maria, etal.

After the Closed Session, the following was announced.

Conference with Legal Counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report given. No reportable action was taken.

Conference with Legal Counsel regarding Intellectual Capital partners, LTD v. City of Santa Maria, etal. – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:17 p.m. by order of Mayor Lavagnino.

APPROVED

9-15-06
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk